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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Christian Salvador Turcios,

10 Petitioner,

11 v.

12 David Shinn, et al.,

13 Respondents.
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No. CV-22-01952-PHX-MTL

ORDER

15 Before the Court is the Report and Recommendation of Magistrate Judge Michael
16 T. Morrissey (“R & R”) (Doc. 9) recommending that the Petition for Writ of Habeas
17 Corpus be dismissed with prejudice, and that a certificate of appealability and leave to
18 proceed in forma pauperis on appeal be denied. Petitioner has not filed any objections to
19 the R & R. The deadline to do so passed fourteen days following service of the R & R,
20 which was mailed to Petitioner on August 22, 2023.

21 In reviewing an R & R, the Court “may accept, reject, or modify, in whole or in
22 part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.
23 § 636(b)(1). “[T]he district judge must review the magistrate judge's finding and
24 recommendations *de novo if objection is made*, but not otherwise.” *United States v.*
25 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original); *see*
26 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that the District Court need not
27 conduct “any review at all . . . of any issue that is not the subject of an objection”).

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1 No objections having been received, the Court will accept and adopt the R & R in
2 its entirety.


3 Accordingly,

4 **IT IS ORDERED** that the Report and Recommendation (Doc. 9) is **accepted**.

5 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus (Doc.
6 1) is **dismissed with prejudice**.

7 **IT IS FURTHER ORDERED denying** the issuance of a certificate of
8 appealability and leave to proceed in forma pauperis on appeal because Petitioner has not
9 demonstrated that reasonable jurists could find the ruling debatable or conclude that the
10 issues presented are adequate to deserve encouragement to proceed further. *See Miller-El*
11 *v. Cockrell*, 537 U.S. 322, 327 (2003).

12 Dated this 14th day of November, 2023.

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15 Michael T. Liburdi
16 United States District Judge
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